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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/941,963 10/01/97 KRIZ

J H16-17016-US

EXAMINER

TM02/0730

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ART UNIT

PAPER NUMBER

2664

DATE MAILED:

07/30/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/941,963

Applicant(s)

KRIZ, JEFFREY J.

Examiner

Kwang B. Yao

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-11, 13-17, 26-28, 30-35 and 39 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1-3, 5-11, 13-17, 26-28, 30-35 and 39 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-3, 5-11, 13-17, 26-28, 30-35 and 39 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. Claim 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 39, line 6, it is not clear what "other such means" refers to, since there are many "means" recited in the preceding claimed limitations.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 39 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dilworth et al. (US 5,479,400).

Dilworth et al. discloses a repeater for a microcellular digital packet communication system comprising the following features: a plurality of data terminals, each data terminal, such

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as the terminal 123 in Fig. 1 coupled to a low power transceiver 122 for transmitting data signals at a low power and receiving signals; a plurality of repeaters 100, 101,..., and relay 140, 141, each repeater or relay capable of receiving data signals from one or more of the terminals and capable of wireless communication at a higher power level with other repeater or relay; central office switch 160 for controlling the relays and for receiving data signals.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5-11, 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dilworth et al. (US 5,479,400) in view of Carvey (US 5,699,357).

Dilworth et al. discloses a repeater for a microcellular digital packet communication system comprising the following features: a plurality of data terminals, each data terminal, such as the terminal 123 in Fig. 1 coupled to a low power transceiver 122; a plurality of repeaters 100, 101,..., and relay 140, 141, each repeater or relay capable of receiving data signals from one or more of the terminals and capable of wireless communication at a higher power level with other repeater or relay; central office switch 160 coupled to one of the relay 140 for receiving data signals, wherein the relay 140 transmit data signals either to the central office switch or to another repeater. Dilworth et al. does not disclose that the data terminal is selected from a group of sensors, actuators, and controllers. Carvey discloses a personal data network comprising the

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following features: PEAs 21, ..., 29 being selected from the group of sensors, actuators, controllers. It would have been obvious to one of the ordinary skill in the art at the time of the invention to use the features, as taught by Carvey, in the system of Dilworth et al., in order to provide various applications such as monitoring temperature, see column 2, lines 2-13.

7. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dilworth et al. (US 5,479,400) in view of Parken (US 5,010,583).

Dilworth et al. discloses a repeater for a microcellular digital packet communication system comprising the following features: relay 140 in Fig. 1 hardwired into the central office switch 160; repeater 101 for receiving data signals from data terminal 123 and transmitting data signals to relay 140. Dilworth et al. does not disclose the features of: a first receiver, a second receiver and a first transmitter. Parken discloses a repeater for a wide area coverage multiple repeater system comprising the following features: receiver 220 in Fig. 2 for receiving signals from a portable unit 130 in Fig. 1; transceiver 230 including a transmitter TX 232 and a receiver RX 234 for retransmitting the received signals and receiving the signals from other repeaters. It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Dilworth et al., by using the features, as taught by Parken, in order to reduce the possibilities of transmission collisions. See column 1, lines 20-22.

8. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parken (US 5,010,583) in view of Carvey (US 5,699,357).

Parken discloses a repeater for a wide area coverage multiple repeater system comprising the following features: receiver 220 in Fig. 2 for receiving signals from a portable unit 130 in Fig. 1; transceiver 230 including a transmitter TX 232 and a receiver RX 234 for retransmitting

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the received signals and receiving the signals from other repeaters. Parken does not disclose that the data terminal is selected from a group of sensors, actuators, and controllers. Carvey discloses a personal data network comprising the following features: PEAs 21, ..., 29 being selected from the group of sensors, actuators, controllers. It would have been obvious to one of the ordinary skill in the art at the time of the invention to use the features, as taught by Carvey, in the system of Parken, in order to provide various applications such as monitoring temperature, see column 2, lines 2-13.

9. Claims 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parken (US 5,010,583) in view of Carvey (US 5,699,357) as applied to claim 30 above, and further in view of Dilworth et al. (US 5,479,400).

Parken and Carvey disclose the claimed limitation discussed in the preceding paragraph. Parken and Carvey do not disclose the claimed feature of spread spectrum frequency range, and the claimed device, which is hardwired, directed to the router node. Dilworth et al. discloses a repeater for a microcellular digital packet communication system comprising the following features: the communication for being implemented in frequency hopping spread spectrum; wired data terminal 151 in Fig. 1 for being connected to relay 140. See column 1, lines 64-65 and column 2, lines 12-13. It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Parken and Carvey, by using the features, as taught by Dilworth et al., in order to provide a secure data transmission system.

### ***Conclusion***

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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

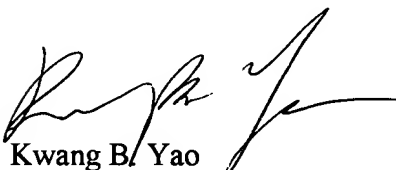
Wright et al. (US 6,047,165) discloses a flight information communication system.

Meier (US 5,504,746) discloses a radio frequency local area network.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 703-308-7583. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Kwang B. Yao  
July 26, 2001